

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHANE CARTER and
CARI CARTER,

Plaintiffs,

v.

ORDER

14-cv-149-jdp

GMAC INSURANCE CO. ONLINE, INC.,
TRACEY FERGUSON, AMERICAN
INSURANCE SERVICES and
UTICA MUTUAL INSURANCE
COMPANY,

Defendants.

In January 2014, plaintiffs Shane Carter and Cari Carter filed this action in the Circuit Court for Richland County, Wisconsin, asserting an insurance claim against GMAC Insurance Co. Online, Inc. On March 5, 2014, defendant GMAC removed the case to this court on the basis of diversity jurisdiction. On May 23, 2014, plaintiffs filed an amended complaint, dkt. #10, adding defendants Tracey Ferguson, American Insurance Services and Utica Mutual Insurance Company to the action.

Now before the court is plaintiffs' motion to remand the case to state court pursuant to 28 U.S.C. § 1447(c). Plaintiffs assert that because plaintiffs and defendants Ferguson and American Insurance Services are all citizens of Wisconsin, the parties are no longer diverse and the case should be remanded to the Circuit Court for Richland County, Wisconsin. Defendants have filed no opposition to the motion.

Based upon a review of the plaintiffs' motion, the court is satisfied that this court lacks subject matter jurisdiction, making it proper to remand the case. 28 U.S.C. § 1447(c).

ORDER

IT IS ORDERED that plaintiffs' motion to dismiss and remand, Dkt. 16, is GRANTED and this case is REMANDED to the Circuit Court of Richland County for lack of subject matter jurisdiction. The clerk of court is directed to transmit the file to the Circuit Court of Richland County.

Entered this 21st day of August, 2014.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge